



April 22, 2005

THE HONORABLE CITY COUNCIL

**RE: OMBUDSMAN REPORT ON THE FISCAL YEAR 2005-2006 BUDGET
AS PROPOSED BY MAYOR KWAME M. KILPATRICK**

The Office of the Ombudsman is pleased to offer Your Honorable Body its analysis of the Mayor's proposed 2005-06 budget as it relates to issues and complaints brought to our attention by the people of Detroit. While preparing this budget analysis, we utilized two perspectives. These are:

1. The Citizens Perspective: We focus on the top ten complaint issues that were received over a twelve-month period. We also compare complaints for the previous ten fiscal years, since these complaints serve to identify increases or decreases of previously identified issues of importance to Detroit residents. This year we have also included a map that shows the City zip codes that generate the most complaints, as well as what the three most common complaints for those areas were.
2. The Ombudsman's Office Perspective: This approach analyses urban conditions which cannot be tallied as citizen service complaints but which, nevertheless, have significant impact on the delivery of services because of the unnecessary cost they exact on the general budget every year.

There is no doubt in anyone's mind that the deep cuts outlined in the Mayor's budget will significantly affect the delivery of services and the quality of life in Detroit. Mindful that this year Council will be addressing a cumulative budget gap of almost \$390 million that the city charter and state law mandates be eliminated, the Ombudsman's perspective focuses on what policies can minimize the consequences of the Mayor's budget cuts on the citizens that we serve. Additionally, this report will discuss other policy changes that could be adopted almost immediately to realize budget savings without further reducing citizens' service.

Critics of previous and current economic development policies in Detroit cite an emphasis on reconstructing the downtown economy over neighborhoods as a major reason for the current fiscal crisis. There may be some truth to that. But it is more likely that the favoring of downtown development did more to divert critical infrastructure services necessary to preserve the quality of life in the neighborhoods than it did to bring about the current economic crisis. For example, while the Water Department has focused heavily on providing system improvements in the Central Business District and new residential project areas, the money directed there has not pushed Detroit deeper in debt. Rather, money used for these projects came from other projects somewhere within the boundaries of the water system.

The truth is that Detroit had already started down the road to deficit budgets long before tax abatements, development dollars, and land giveaways became part of the City's economic development lexicon. There have been other long-term forces at work that brought us to where we are today. Until those forces are confronted, it will not matter how much the municipal workforce is reduced or which assets are sold off to balance the books, because the downward spiral of the municipal economy will only increase.

The essays in section two of the Budget Analysis address the longstanding issues that, until they are resolved, will make it almost impossible for any Administration to sustain economic growth or achieve budget stability. The first of these four essays discuss the mounting expenses that unemployment and poverty add to the municipal budget every year.

For most of the 20th Century, economic development planning in Detroit did not concern itself too much with the plight of the poor and chronic unemployed because the federal government directly and indirectly picked up the tab for providing services to them. That has drastically changed, and the growing burden of providing services to the unemployed and poor requires that local governments find ways to reduce these costs in order to survive. **In the first essay, the Ombudsman's Office recommends action that should be taken to create jobs that can lift many Detroiters out of the grasp of unemployment and poverty.**

Next to unemployment and poverty, homelessness draws on a significant amount of budget finances that could otherwise be allocated to reducing the deficit. The second essay of this report discusses the plight of Detroit's homeless. **The Ombudsman's Office suggests immediate action that can be taken to reduce the high cost of furnishing publicly supported services to the**

homeless by creating jobs and housing opportunity that can enable many to begin the journey to self-sufficiency. We also recommend establishing a code of conduct to govern the actions of all municipal departments as well as the public and private police agencies that deal with the homeless. The code would be a priority not only for the Super Bowl, but for all future dealings that Detroit has with homeless citizens.

The Office of the Ombudsman is one of several established watchdog groups that is trusted by the public and would be a likely candidate to monitor code compliance. Working alone, or in concert with others such as the Office of the Chief Investigator in the Police Department, it could provide outreach investigation, and unbiased review of complaints from the homeless.

The need for affordable housing in Detroit has been a recurring theme in the Ombudsman's Budget Analysis Report. This year we continue that mission by examining the Administration's proposed Neighborhood Enterprise Zone program. **The Ombudsman's Office is very concerned that, unless significant changes are made to legislation that has been introduced in Lansing, the program will actually hasten the loss of even more affordable housing in the community.** Our third essay recommends changes that we feel should be made in order for the plan to be more equitable and allow citizens of all incomes the opportunity to participate in the building of housing wealth while living in clean safe neighborhoods.

The final essay in this report points out that even though Detroit dropped from first to twelfth on the national Pedestrian Danger Index, it still has a long way to go before it can be considered pedestrian friendly. **The Public Safety essay spotlights action that can be taken to improve pedestrian safety and reduce the high mortality rate that removes millions of dollars annually from the Detroit economy. A nice portion of which would have ended up as tax revenue.** The report highlights how it is possible to implement measures that increase pedestrian safety awareness and decrease accident rates without incurring large budget expenses. In addition, the essay discusses the growing liability threat that municipally-owned parking facilities face and why it is not wise to put off making safety improvements that are needed in them until the Risk Management Fund has to make payment to settle a personal injury or death claim related to the issue.

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I trust you will find this report informative and useful as you conduct your analysis and deliberations on the proposed budget offered by Mayor Kilpatrick. Staff and I are available at any time to respond to questions you may have or that arise during your budget hearings.

Respectfully submitted,

Raymond V. Shultz
Deputy City Ombudsman

RVS:db

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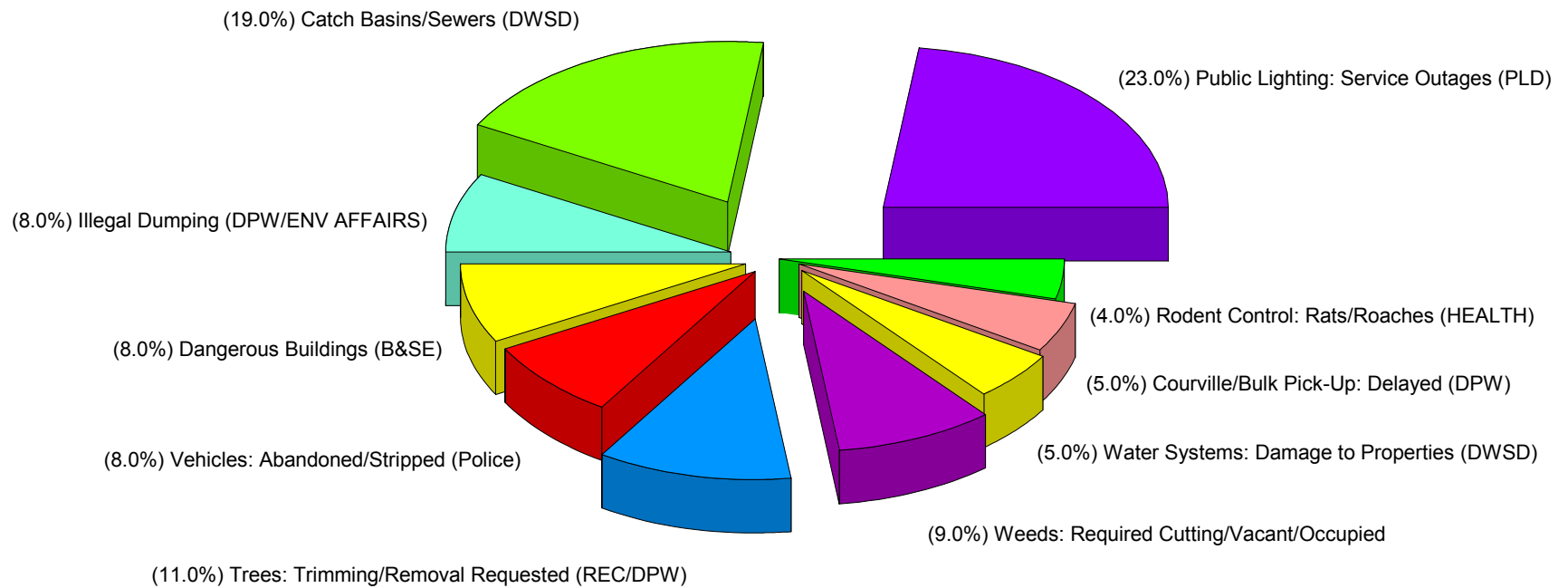
Complaints by Major Departments for Ten Fiscal Years

**OFFICE OF THE OMBUDSMAN
TOP TEN COMPLAINTS
MARCH 1, 2004—FEBRUARY 28, 2005**

<u>2004-2005 RANK</u>	<u>COMPLAINT DESCRIPTION</u>	<u>DEPT.</u>	<u>2003-2004 RANK</u>
1.	ALLEY/STREET LIGHTING: Inoperable/Repairs/Replacement Requested	PLD	1
2.	CATCH BASINS/SEWERS: Blocked/Flooding/Sinking	WATER	3
3.	TREES: Removal Requested Dangerous/Untimely	DPW	4
4.	WEEDS: Require Cutting/Vacant Occupied property	DPW HEALTH ENV. AFF.	N/A
5.	VEHICLES: Abandoned/Inoperable/ Illegally parked on	POLICE	9
6.	DEBRIS: Illegally Dumped/ Requires Removal	DPW ENV. AFF.	5
7.	DANGEROUS BUILDINGS: Open to Trespass/Dilapidated/ Code Violations	B&SE	7
8.	WATER SYSTEMS: Sod/Sidewalk/ Driveway/Curb: Repair	WATER	8
9.	COURVILLE/BULK PICK-UP* Delayed/Requested Collection	DPW	N/A
10.	RODENT CONTROL: Rats/Roaches Delayed/Requested	HEALTH	N/A

*This year, the Ombudsman's Office combined two previously separated categories: "Bulk Pick-up" and "Courville."

Ombudsman Office Complaints Top Ten 03/01/04 - 02/28/05



TOP TEN COMPLAINTS:
Description & Comments

1

**Alley/Street Lighting - Public Lighting Department:
Number One Citizen Complaint**

Inoperable street lights are and have been a chronic problem for residents of the City of Detroit. Appearing on the Ombudsman Office's Top Ten List every year since inception, street light outage has been the subject of much verbiage, speech-making, and empty political promises. There are many residents who have become conspiracy theorists, just on the basis of street light outage alone. But inoperable street lights are not appropriately the subject only of ironic commentary; dark streets cause real problems for residents, drivers, students, and business owners.

Victims of crimes committed on unlit streets may be understandably convinced that the darkness contributed to their unfortunate circumstances. Laborers leaving for or arriving from work during nighttime hours are understandably nervous about lack of adequate lighting. Bus riders who must wait for buses on darkened streets feel understandably less secure as they wait. Parents of the students who must walk to school in the early morning winter hours are understandably more concerned when they must walk in unlit gloom.

If it cannot be credibly demonstrated that darkened city streets directly cause crime and other anti-social behaviors, it is certainly true that people feel considerably more threatened by lack of adequate lighting, thus increasing—perhaps not crime—but the fear of crime, which is another factor driving residents out of the City.

The Office of the Ombudsman has noted repeatedly that the widespread suspicion is that lack of adequate repair and replacement of City street lights is a deliberate bureaucratic ploy to manipulate desperate citizens into supporting privatization, in the hope that any change has got to be an improvement.

Street light outage constitutes 23% of the Top Ten List of Complaints, and the most street light outage complaints come from zip codes 48210, 48235, 48221, 48234, and 48219, in that order. (It may be that citizens in other zip codes have either given up, or moved out.)

The Public Lighting Department has indeed instituted various “reforms,” including partnering for a time with Detroit Edison, installing new lighting, selling bond issues to repair aging infrastructure, etc., each project announced with much enthusiasm and claims for a brighter tomorrow. But the street lights keep going out, and the complaints keep coming in.

Under Mayor Kwame Kilpatrick's proposed restructuring, the Public Lighting Department would be merged with Environmental Affairs, and the Department of Public Works into a new department, the Municipal and Environmental Services Department. The Mayor's proposed budget message shows a net loss of 182 positions resulting from that consolidation, without fully specifying which department(s) those losses come from, nor the organizational breakdown of services within the new department.

In general, the Office of the Ombudsman recognizes the need for consolidation in times of severe budgetary constraint. But we also understand that the impact of consolidation on City services, including Public Lighting maintenance and repair, may be of questionable value ultimately, depending on the structure of the reorganization, the specific personnel, and administrative and supervisory skills of those involved. Consolidation alone is not a panacea; the proof of the reform efforts will be in the delivery, or continued lack of delivery, of City services.

TOP TEN COMPLAINTS: Descriptions & Comments

2

Catch Basins/Sewers – Detroit Water & Sewerage Department: Number Two Complaint Creates Health Hazards for Citizens, Liability for City

Blocked catch basins (storm drains) and sewers account for nineteen percent of the Top Ten complaints; this is up from the number three spot in last year's Top Ten list of complaints. According to Office of the Ombudsman records, zip code 48224 has been especially hard hit with this problem. When storm drains overflow, or sanitary water backs up in residents' basements, fecal matter is usually present, and very hazardous to anybody who comes in contact with it, especially pets and children.

In the case of flooded basements, residents are told to throw out, disinfect, and/or bleach everything that comes into contact with it. Homeowners and tenants lose thousands of dollars worth of property due to blocked City sewers, although, to be fair, not all blocked sewers are the City's responsibility; some are the homeowners'. In the case of flooded streets, in the winter the water freezes and creates hazardous driving and walking conditions.

City sewers and catch basins, often aging and undersized, do back up chronically, exposing residents, and by extension the City itself, to injury and liability. This problem again reflects the realities of an aging infrastructure, which is only being addressed by DWSD in a piecemeal fashion, one small section at a time.

Meanwhile, in an apparent attempt to address sewer problems, Detroit Water & Sewerage Department has instituted a program of lining City sewers with heavy plastic, presumably to improve water flow. While perhaps laudable in intent, the result has been to cause even more basement backups, at least in the short term, because some private contractors doing the work for DWSD have neglected to connect the City sewer back up to the private backyard sewers after the lining has been installed.

If the problem is diagnosed properly, the homeowner will be reimbursed, after some time has elapsed and much paperwork exchanged, and the contractor will foot the bill. However, before such happy endings occur, filthy water may sit in the basement for days while unknowing homeowners desperately attempt to arrange financing for what they believe is their own responsibility; more property is damaged; and more lives are exposed to hazardous waste water.

The Office of the Ombudsman suspects the lining of the sewers is in effect a stop-gap measure, for the purpose of buying DWSD more time to continue to use a system which should have been fully replaced years ago. Mayor Kilpatrick's proposed budget indicates a net loss of 294 positions within DWSD. It is difficult to perceive how such draconian losses in person-power will improve the maintenance and repair record of this department. DWSD is an enterprise agency, generating its own operating funds and not depleting the City treasury; as such, we fail to understand how these cuts will assist either the City's bottom line, or the unhappy citizens.

TOP TEN COMPLAINTS

Descriptions & Comments

3

Trees/Removal Requested – DPW

Complaint Number Three: Dead City Trees Increase City's Liability

Dead City trees have been the subject of Office of the Ombudsman reports in the past because of the potential for severe property damage and human injury from falling branches. We reported a few years back about the child who was brain damaged when a City tree limb fell and knocked her from her bicycle. The probable cost of the settlement from that suit would have not only covered the cost of adequate tree removal services for some significant time period; in addition, adequate maintenance of City trees would have prevented a very real human tragedy.

Zip codes especially impacted by this problem include 48228, 48219, and 48234; although 48238, 48235, and 48204 also show up to a lesser degree in our case tracker records.

Mayor Kwame Kilpatrick transferred authority for City tree removal on residential streets from the Forestry Division of the Recreation Department to the Street Maintenance Division of the Department of Public Works. (Forestry is still responsible for City tree maintenance in parks and playgrounds.) Unfortunately, the necessary transition period was not a smooth one.

Unanswered Ombudsman complaints about dead City trees, which had been sent originally to Forestry for response, were still unanswered when re-sent to Street Maintenance; each department claimed the other was responsible. What had already been a lengthy process became even more prolonged. Eventually, after approximately one year had passed since the transfer of authority, DPW assumed all responsibility for removing dead City trees. However, lack of adequate personnel and equipment levels continue to prevent timely maintenance and removal of City trees.

In his proposed budget address on April 12, 2005, Mayor Kwame Kilpatrick suggested another consolidation of City services: The Recreation Department will join with the Senior Citizen and Human Services Departments to become the Department of Community Service. DPW will consolidate with Environmental Affairs and Public Lighting to become the new Municipal and Environmental Services Department, but it is unclear how the tree trimming and removal responsibilities will fall. **The Office of the Ombudsman recommends that the tree cutting service be combined in one department so that the problems which occurred previously do not recur.**

The removal of dead branches off of live City trees takes even longer, although they too are hazardous to passersby and property situated underneath. Finally, regular tree trimming, while not as urgent a problem in most cases, is nearly a thing of the past. The policy of the Recreation Department/Forestry Division was that City trees were to be trimmed every ten years, unless a hazardous situation existed, in which case the offending branch was trimmed sooner. Later, the stated policy was that City trees were to be trimmed every fifteen years. Since the transfer of authority to DPW's Street Maintenance Division, we have been unable to learn what their tree-trimming schedule is, or if they even have one. Further administrative changes may impact on this problem as well.

TOP TEN COMPLAINTS

Descriptions & Comments

4

Weeds – DPW, Environmental Affairs, Health Department: Complaint Number Four Creates Health Problems & Eyesores

Uncut weeds create allergy problems; cause an increase in asthma attacks in vulnerable populations, especially the elderly and children; create havens for vermin; and add to blight and the appearance of neighborhood deterioration.

Weeds, found in vacant lots, around abandoned buildings, and sometimes in back of occupied dwellings, create two municipal challenges: that of enforcement against private property owners who have allowed weeds to accumulate, and that of removal from vacant lots and City-owned properties. DPW is responsible for the removal process of weeds in vacant lots, and the Health Department and Environmental Affairs are responsible for enforcement measures. The Health Department's enforcement jurisdiction is over properties with structures, and Environmental Affairs is responsible for enforcement against privately owned property owners of vacant lots. (Of course, Planning & Development Department is responsible for arranging for maintenance and cutting of City-owned properties, but DPW does the actual clearance.)

Under Mayor Kwame Kilpatrick's previous departmental changes, enforcement responsibilities were removed from DPW's jurisdiction, and moved to the Health and Environmental Affairs Departments, with some resulting confusion as to which department was responsible for which type of complaint. It took some months for the Office of the Ombudsman to receive a complete and consistent answer, and, as a result, complaints were shuffled back and forth between departments until respective responsibilities were determined.

This year, Mayor Kilpatrick's budget message proposed that DPW, Environmental Affairs, and "some functions of the Health Department" be subsumed into the Municipal and Environmental Services Department. It is unclear how the net loss of 182 positions will be distributed, nor what Health Department functions will transfer to the new department. However, the Office of the Ombudsman is hopeful that the Mayor's proposed consolidation plan means that the responsibility for the weed enforcement and removal functions reside in one department for greater accountability and efficiency.

Last year, weeds did not appear in the Office of the Ombudsman's list of Top Ten complaints; its appearance this year at the relatively high rank of number four is disturbing. The relative increase in this complaint area may be due to the

continuing loss of population, along with increased numbers of demolitions, which result in increased numbers of vacant lots needing clearing.

Since DPW began contracting out vacant lot clearing to private neighborhood contractors, the Office of the Ombudsman did see a relative drop in complaints regarding vacant lots for a time, although other problems emerged. (For example, incorrect billings for unnecessary vacant lot cuttings were cumbersome and time-consuming to resolve.) Because it appeared that this perennial problem was being more effectively addressed, it is disconcerting to see this increase in weed complaints.

The Office of the Ombudsman is hopeful, that with the advent of the Department of Administrative Hearings with the concurrent higher fines for blight violations, as well as the proposed consolidation of responsibilities within one department, these problems may yet be brought under better control.

TOP TEN COMPLAINTS

Descriptions & Comments

5

Abandoned/Inoperable Vehicles – Police Department: Number Five Complaint Reflects Police Reluctance to Enforce

Abandoned or inoperable vehicles constitute a major environmental problem in the City of the Detroit. These vehicles attract rodents, create blight, and are hazardous nuisances for children who like to play in and on them. “Junkers” are also a fire hazard; they attract arsonists, which in turn threatens surrounding areas. They take up limited parking spots on City streets, and they may attract criminals running “chop shops,” who seek free auto parts.

Abandoned vehicles are particularly prevalent in four zip code areas: 48238, 48235, 48210, and 48219.

Unfortunately, this complaint area has risen in rank from number nine last year to number five this year. Hard economic times, such as Detroit is currently experiencing, certainly contribute to the increase in inoperable vehicles; during these down times many car owners can no longer afford to repair and maintain their vehicles, and allow them to either rot in place, or attempt to do the job themselves. In fact, sometimes car owners are unaware that they need to secure a 30-day permit to repair their own vehicles at home. Also, as good paying jobs become more of a challenge to find, back yard mechanics may seek to create their own informal businesses utilizing their back yards or empty lots in residential neighborhoods, a violation of City zoning codes.

Contributing to the above factors is a relatively new one: The Police Department’s responsibilities with regard to inoperable vehicles parked on private property (in contrast to those parked on City streets) have become more complex because of a court ruling which found that the City cannot send inspectors onto private property to inspect, ticket, or tow vehicles without a warrant issued by a judge or magistrate. Obtaining these permits takes additional time in a police officer’s already full day, resulting in occasional reluctance on the part of these police officers to enforce the ordinances against inoperable vehicles on private property. Such reluctance naturally slows down enforcement efforts, which increases the number of abandoned vehicles, which in turn increases the complaints.

The Office of the Ombudsman proposes that the Police Department work with 36th District Court to create a streamlined process for obtaining court warrants to permit officers to inspect, ticket, and after following the appropriate procedures, tow the offending vehicles. This new process could include procedures for faxing the necessary information to the

courts in order that the officers need not take time off from the precinct and inspections in the field to go to court.

TOP TEN COMPLAINTS

Descriptions & Comments

6

Debris: Illegally Dumped/Request Removal/Issue Citation – DPW, Environmental Affairs Complaint Number Six: Debris & Illegal Dumping

Litter, trash, and debris—like weeds—continue to blight the City's neighborhoods and business districts. As with other environmental hazards, debris and illegal dumping attract rodents and vermin, contribute to urban eyesores, and make neighborhoods look unkempt and neglected. Trash in the streets and on private property discourages new businesses and residents from buying in the City, and encourages apathy, disrepair, and abandonment.

Enforcement against debris on private property falls to the Environmental Affairs Department; the Department of Public Works is charged with clearing up litter and debris on public property, and private property owners may be charged a fee, as well as fined, in the rare event DPW finds it necessary to clean up privately owned land. Citizens in zip codes 48228, 48224, 48221, 48213, and 48205 find debris and illegal dumping a particular problem in their neighborhoods.

Mayor Kwame Kilpatrick, in his April 12, 2005 budget message, proposed that DPW, Environmental Affairs, some Health Department functions, and Public Lighting be consolidated into the new Municipal and Environmental Services Department. While a net loss of 182 positions is noted in the proposed budget, the Office of the Ombudsman is hopeful that consolidation will be mean greater efficiencies of service and greater accountability for service problems.

Also impacting on the debris and litter problem is the new enforcement system which follows the issuance of a citation. Fines for "blight," which includes debris, have increased dramatically in the City, with the advent of the Department of Administrative Hearings (DAH) imposing civil fines on property owners. (Fines up to \$10,000.00 per day may be imposed.) While the Office of the Ombudsman has applauded the use of civil fines, in contrast to the minor fines imposed by 36th District Court under the misdemeanor system (never more than \$500.00 in total), we do have some concerns about the new enforcement procedures.

As we reported in last year's Budget Analysis Report, a dramatic increase in the fine system, from \$500.00 total up to \$10,000.00 per day, has the effect of putting tremendous power and control in the hands of City inspectors; increased supervision is a necessity in order that such power is not abused. In addition, the system must recognize that some property owners, including senior citizens and the disabled, may find it exceedingly

difficult to keep their properties clean, especially when they are the innocent victims of illegal dumpers.

The complaints the Office of the Ombudsman has received about blight enforcement and DAH fines, while not especially numerous to date, do indicate there is cause for concern about the potential for inspector abuse. In one case, a woman who had been hospitalized for a stroke came home to find the initial citation for litter, which resulted from an illegal dumping on her property, with a follow-up notice of the hearing before DAH. Unfortunately, the deadlines and the hearing date had already passed. She found a third communication from the City indicating that her fines had been increased to several thousand dollars a day, as a result.

Upon attempting to communicate with the Department, she was told she would have to pay the fine, or pay an attorney to file an appeal with Circuit Court. After the Office of the Ombudsman suggested she present documentation to support her allegations of hospitalization during her hearing date, she informed us that the Department was willing to rehear her case, but we wonder what became of her case after the rehearing (she has not called us back), as well as what becomes of others similarly situated, who do not know to contact the Office of the Ombudsman. When an enforcement process has as large an economic impact as the Environmental Affairs/DAH system does, flexibility should be structured into the system; fair outcomes should not depend on the resources, knowledge, persistence, and sophistication of the complainant.

TOP TEN COMPLAINTS

Descriptions & Comments

7

Dangerous Buildings - B&SE

Complaint Number Seven: Open & Vacant, Dilapidated Structures

Dangerous buildings constitute one of the most hazardous environmental problems in the City. They attract children who may play in them to their detriment; they attract vermin and rodents; they attract arsonists; and they attract criminals who use them for prostitution, gambling, and drug sales and use. They contribute to neighborhood blight and neglect, and breed apathy. As such, they are a neighborhood menace and a chronic problem for nearby residents. They may be particularly found in zip codes 48228, 48238, 48224, 48213, and 48210.

The length of time it takes to demolish a structurally damaged dangerous building is one of the challenges which the City—and neighborhoods—must face. Another problem is the existence of vacant buildings in the first place, with numbers of residents fleeing the City, and too few moving in. A final aspect has to do with preventing the resulting vacant lot from becoming a site for illegal dumping, weeds, etc.

While complainants and neighborhood organizations are vocal and persistent in pressuring to have vacant and dangerous buildings demolished, a growing number of residents and critics have opined that wholesale destruction of housing is ultimately destructive of the City and its neighborhoods. Preventing the flight of citizens from the City is beyond the scope of this essay, and perhaps beyond the authority of the Buildings & Safety Engineering Department, but it must be addressed if this continuing loss is to be ultimately resolved.

Until new policies are implemented, the cycle of abandonment and demolition will continue to reduce affordable housing opportunities. (For further comments and information, see the essay “Preserving Affordable Housing” in another section of this Report.) The Office of the Ombudsman has made numerous proposals in the past; a farsighted administration would attempt at least some of the most cost-effective measures to stem this tide.

Faster removal of those vacant structures which are genuinely hazardous and in danger of imminent collapse is another challenge the City faces. While some improvements have been made in B&SE, notably in the computerization of records, inspections, re-inspections, hearings, and providing adequate notice to interested parties still slow the process to a crawl. Some structures have been standing open and vacant for years. To be fair, B&SE rarely receives sufficient resources to address all the structures meeting the criteria for demolition in any

given fiscal year; generally demolition funds tend to run out after Devil's Night, and few if any houses are demolished until the following fiscal year, beginning July 1.

Vacant lots, which result from the demolition of structures, are another City challenge. While they are not the responsibility of B&SE, they are an additional continuing cost to the City, in terms of repeated cuttings and clearings, towing of abandoned vehicles, rodent extermination, etc. And vacant lots generate few if any property tax income. This direct result of demolition is yet another reason to address the problem of demolitions preventatively, to the extent possible.

A final reason to address the problem of demolition in a pro-active rather than reactive manner is that the City continues to lag in addressing the twin problems of homelessness and affordable housing. While thousands of houses stand vacant, needy families and individuals cannot find the housing they desperately need.

Since the only apparent parties who profit from the current system are demolition contractors and slum landlords, the Office of the Ombudsman again observes that government spending is most telling when it is analyzed through the perspective of who obtains what resources from public spending, and who does not. A new look at the related problems of homelessness and affordable housing is sorely needed, both to assist the needy and to preserve our City. For more information and commentary, please see the essays “Preserving Affordable Housing,” and “The Impact of Homelessness” in another section of this Report.

TOP TEN COMPLAINTS

Descriptions & Comments

8

Water Systems: Sod/Sidewalk/Curb/Driveway Repair – DWSD **Complaint Number Eight Repeats Last Year's Rank**

Holding its place from last year's Ombudsman ranking are Water Systems complaints, which are those concerned with property damage following repairs to water mains, catch basins, and sewer lines. Since the DWSD system is so antiquated (aging and undersized pipelines are the cause of much of the need for repair and replacement), the necessary maintenance work often results in damage to public and private property, especially sod, sidewalks, curbs, driveways, etc. These in turn can become hazardous to cyclists, pedestrians, and drivers. Unfortunately, the wait for these "water systems" repairs can be up to two years, resulting in unhappy homeowners, and increased liability risk to the City.

The 2005-06 budget proposal by Mayor Kwame Kilpatrick does not appear to address these complaints in any meaningful way; indeed, according to the proposed budget, DWSD would lose 294 positions in the next fiscal year. In a department which is self-funded, an enterprise agency, which costs the City no lost revenues from its general treasury fund, this plan to reduce DWSD employees appears to the Office of the Ombudsman counter-productive. Both in terms of adequate service to homeowners, and in terms of decreasing the City's liability exposure, we question whether this loss of DWSD positions accomplishes the stated objectives of "improving City services," while simultaneously cutting back on the City employees who provide the services.

Previous Office of the Ombudsman Budget Analysis Reports have addressed the problem of City employee behavior and attitude towards complaining citizens. We have found in the past that DWSD was particularly in need of training in customer service, especially in its billings division, but often in other divisions as well. Complainants report an arrogance, an unwillingness to listen or process their concerns, and sometimes even hostility on the part of DWSD employees. Decreasing the number of employees who must handle unhappy citizens daily will not adequately address the problem of employee rudeness; it simply adds to the stress of those who remain to answer the phones.

However, it must be observed that this truism, decreased personnel levels leads to increased levels of stress for those who remain, does not absolve the City employee with any department from behaving respectfully and courteously toward complainants. Indeed, when services are being curtailed, additional patience and tact is often the only service left to provide. All City employees, not just DWSD employees, would do well to remember this fact of public service.

TOP TEN COMPLAINTS

Descriptions & Comments

9

Courville Weekly Pick-up/Monthly Bulk Pick-up – DPW Number Nine Complaint Reflects Successes with Solid Waste Collection

Despite its appearance in this year's Top Ten, which reflects in part our decision to consolidate previously separated solid waste complaints, solid waste collection has been, in general, a success story in recent years. Years ago, before the advent of the Courville weekly pick-up system, which was initiated under Mayor Coleman A. Young's administration, weekly garbage pick-up complaints were endemic. As the gradual transition to the Courville system was accomplished City-wide, the Office of the Ombudsman began noting a significant reduction in weekly complaints.

Getting a handle on the weekly pick-up schedule provided the opportunity for the department to begin to address the continuing problems with monthly bulk pick-up efforts. Also a major source of complaints previous to the transition to the Courville system, bulk pick-ups became more dependable with the advent of a regular monthly schedule, which was significantly improved under the Dennis Archer administration.

However, success can create its own problems. Courville container complaints have increased, as citizens call with reports of stolen containers, or complaints about the cost of replacement, or complaints about departmental damage to the containers, the cost of which is often borne by the homeowner. The Office of the Ombudsman believes that the City should bear the cost of replacement when DPW trucks have caused the damage by mishandling the containers.

Other Courville container complaints deal with the occasional delay in receiving a new one after ordering it. Complainants have reported waiting several weeks or months for a replacement Courville container, with resulting outside debris, citations, and rodents. Finally, the Office of the Ombudsman still receives occasional complaints about late weekly pick-ups and spillage of debris from inept emptying of the Courville container. While not numerous of themselves, they may reflect a general tendency on the part of some sanitation engineers to become lapse with this essential City service.

Complaints about the monthly bulk pick-up service generally revolve around late pick-ups, dropped or missed bulk items, or damage to private property from the mechanical scooper which lifts heavy objects into the trucks. It has been the experience of the Office of the Ombudsman that delayed bulk pick-ups, while inconvenient, are generally no later than one or two days. Similarly, dropped or

missed items can usually be retrieved by DPW with a phoned in request to the administrative office.

Damage to property can be a more serious allegation, especially when the department takes the position that its trucks and drivers are not responsible. Generally, the Office of the Ombudsman has found it unlikely and probably infrequent that homeowners damage their own property on the berm area, then fraudulently try to place the blame on DPW. More often, it appears the truck did cause the damage, but the driver and the department refuse to take responsibility for it.

Since the damage caused by a mechanical scooper is usually relatively minor, the homeowner is left with the unsatisfactory options of either repairing the sod themselves, and bearing the expense, or bearing the stress and expense of filing a claim against the City, and then appealing the subsequent inevitable denial to a court of law. DPW and the Law Department apparently rely on the fact that most homeowners will not pursue the more costly and stressful option of legal action, even when the City is clearly liable for the damage.

Under Mayor Kwame Kilpatrick's proposed consolidation plan, DPW would become part of the new Municipal and Environmental Services Department, which would also include the Environmental Affairs and Public Lighting Departments. It is unclear whether or how many positions DPW would lose under the consolidation program, although the new Municipal and Environmental Services Department would bear a net loss of 182 positions under the Mayor's proposed budget. While the Office of the Ombudsman generally applauds the use of consolidation in these difficult economic times, care must be taken in crafting the departmental re-organization plan, in the necessary retraining of departmental personnel, and in selecting skilled supervisors to oversee the delivery of services provided by the new bureaucracy.

TOP TEN COMPLAINTS

Descriptions & Comments

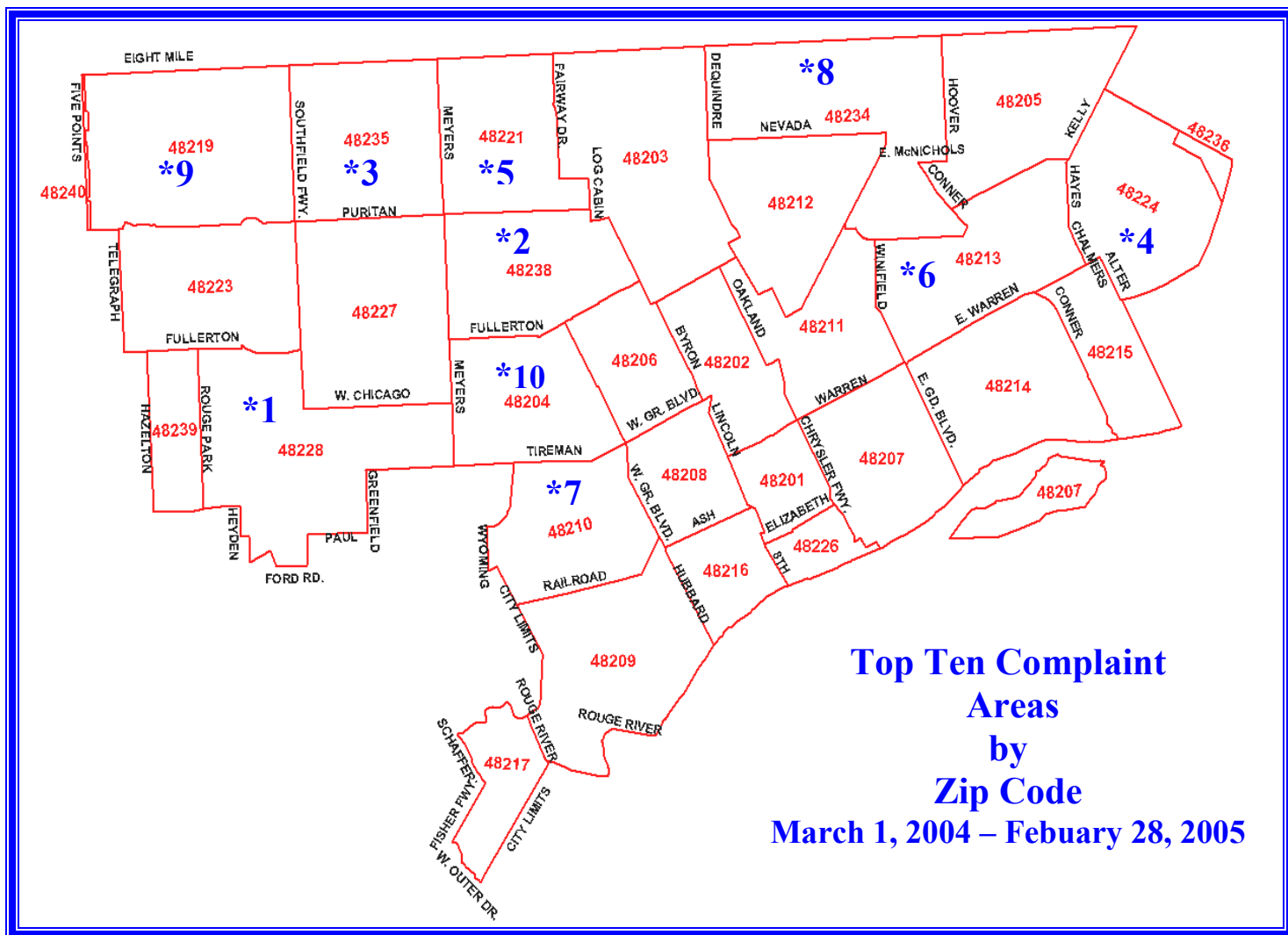
10

Rodent Control: Enforcement/Baiting Delayed/Requested – Health **Complaint Number Ten Reflects Trashing of the City**

Rats and mice carry disease, contribute to filth, are dangerous to pets and children especially, and their droppings exacerbate allergies and asthma, which are reaching epidemic rates in inner city children. This complaint area, once thought eradicated with the introduction of the Courville system, appears to be making an unwelcome comeback. Increased rodent populations result from many other Top Ten complaint problems, including debris, weeds, abandoned vehicles, and dangerous buildings.

The Health Department has primary responsibility for rodent eradication, but other departments are responsible for enforcement and removal efforts against some of the major contributors: weeds (DPW, Environmental Affairs, Health), debris (DPW, Environmental Affairs), abandoned vehicles (Police Department), and dangerous buildings (B&SE). Lax or delayed enforcement and removal efforts on the part of these other departments contribute to the rodent problem, and encourage blight in general. Thus, the system is intertwined; each concern affects and is impacted by the other. The City cannot realistically begin its “recovery” until the synergistic characteristics of these related complaint issues are recognized and addressed.

Rats and mice will always congregate and multiply in urban areas; this is an unpleasant reality which the human race has been unable to completely erase. However, increasing numbers of rats and mice, leading to increased complaints to the Office of the Ombudsman, are an unhappy sign of the times. More empty buildings, weed-choked vacant lots, abandoned vehicles, piles of trash all mean more rodents. In this way, the lowly rodents act as the canaries in the mines: Their apparently increased numbers warn us of impending environmental, and economic, disaster.

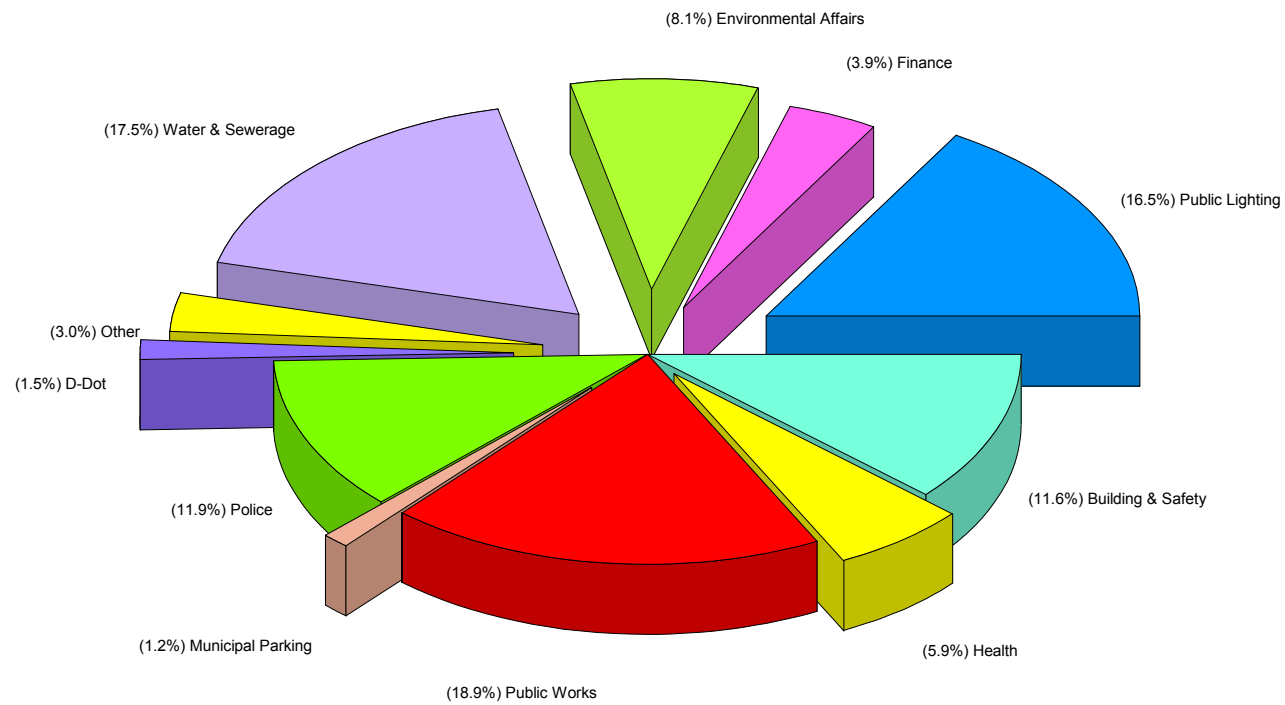


Top Ten Zip Codes

Complaint Codes

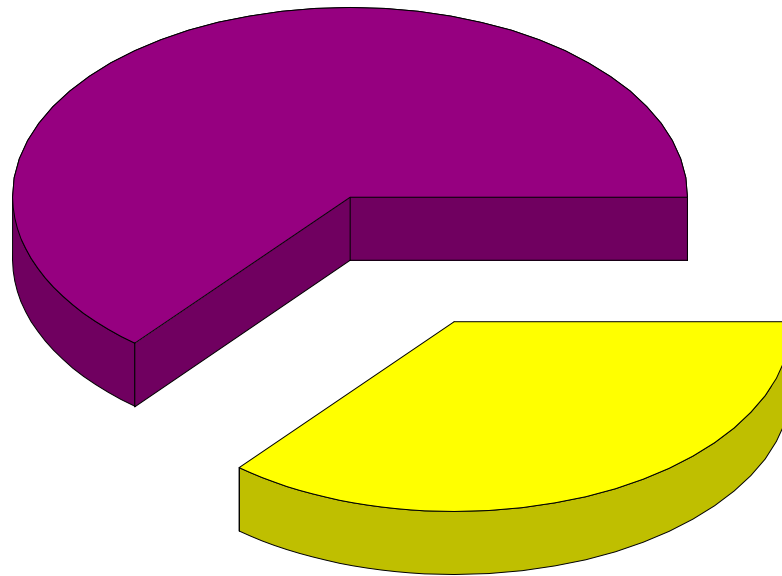
*Rank	Zip	Complaint Code #	Code #	Issues	Dept.
1.	48228	1,2,3	1	Tree: Trimming or Removal/Requested	DPW
2.	48238	2,5,7	2	Building Dilapidated: Open Dangerous, Abandon	B&SE
3.	48235	4,6,5	3	Debris Removal: Trash and Litter	ENVIRONMENTAL AFFAIRS
4.	48224	6,2,3	4	Street Lighting: Inoperative, Damaged Replacement Req'd.	PLD
5.	48221	4,1,3	5	Vehicles Abandon: Stripped inoperable	POLICE
6.	48213	2,1,3	6	Water Systems: Catch Basin, Manholes, Sewers	DWSD
7.	48210	4,2,5	7	Drugs: Witnessed or Suspected	POLICE
8.	48234	4,2,1			
9.	48219	4,5,1			
10.	48205	2,1,3			

Complaints Received by All Departments
March 2003 - February 2004



Ombudsman Office/Total Complainants

Received 3/1/04 - 2/28/05



■ Top Ten Complaints (64%) ■ Other Complaints (36%)

Complaints By Major Departments For Ten Fiscal Years

July 1, 1994 - June 30, 2004

